



COLONIAL OFFICE

REORGANISATION OF THE COLONIAL SERVICE



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REORGANISATION OF THE COLONIAL SERVICE

1. The term "Her Majesty's Colonial Service" has been in use for well over a century to describe the members of the public services of the Colonies, Protectorates and other territories which are dependent upon Her Majesty's Government in the United Kingdom. Originally, the Colonial Service consisted of officers appointed from Britain or recruited locally from amongst British colonists. As time went on, staffs were increasingly built up from the indigenous or resident populations of the territories, but it has always been and still is necessary to recruit large numbers of men and women from Britain and other Commonwealth countries to supply needs which could not be met from local resources, especially in the professional, technical and higher administrative branches.

2. Since 1930, these latter branches have been organised as "unified" Services. Although the members of these Services are directly employed and paid by the territorial governments, they are under the general direction and patronage of the Secretary of State for the Colonies. They have, rightly, regarded themselves and have been regarded as belonging to a general service under the Crown as well as to the local civil services of the territories in which they are immediately serving.

3. The political developments now taking place or likely to take place in many of the territories, in pursuance of the declared policy of Her Majesty's Government in the United Kingdom to further their advance towards self-government, make it necessary to review the situation of the Colonial Service. Constitutionally, all officers of the Colonial Service, using this term in the widest sense, are in the same position. They are servants of the Crown, and the conditions of their employment are embodied in the Colonial Regulations. These Regulations constitute the Secretary of State as the ultimate authority for appointments, discipline, promotions and general conditions of employment. The members of the Service—and more especially those who have been recruited for the unified branches by successive Secretaries of State—are now asking, and are entitled to ask, what will be their position if and when as a result of constitutional changes, Her Majesty's Government in the United Kingdom are no longer able to exercise effective control over their tenure and conditions of employment as hitherto.

4. The debt which the oversea territories owe to the loyal, devoted and efficient work of the men and women in the Colonial Service is inestimable. Their work is far from over. The task of building up fully equipped local public services is progressing fast; it is an evolutionary process which will be completed at different times in different places. But side by side there is going on the evolution of the Colonies and other territories themselves, and while their economies and activities continue to expand a wide field of opportunity and need for the skilled assistance of British staff remains. This fact is fully recognised by responsible leaders in the territories.

5. It is then of the first importance to these countries, and not least to those where a new burden of responsibility is being undertaken by their own governments, that their progress should not be set back by the premature loss of experienced staff or by failure to attract new staff which they may require. There is a problem here which cannot be solved by the territorial governments alone or by Her Majesty's Government in the United Kingdom alone. Both sides must act in partnership.



6. Her Majesty's Government in the United Kingdom recognise that they have a special obligation towards those officers of the Colonial Service who hold their present posts as a result of having been selected for them by the Secretary of State. So long as Her Majesty's Government retains responsibility for the Government of the territory in which they are serving the necessary safeguards are provided by the Colonial Regulations or the constitutional instruments. Should the territory in whose public service they are employed attain self-government, these officers are entitled to expect that the following conditions will be observed :—

- (1) So long as they remain in their existing employment, the Government of the territory concerned shall not alter their terms of service so as to make them less favourable than those on which the officers are already serving.
- (2) The pensions and other benefits for which they or their dependents may be qualified under existing laws and regulations shall be similarly safeguarded.
- (3) They shall continue to be regarded by Her Majesty's Government in the United Kingdom as members of Her Majesty's Service and as such to be eligible for consideration for transfer or promotion to any posts which the Secretary of State may be requested to fill in other territories.
- (4) The government by which they are employed will not unreasonably withhold consent to their accepting any such transfer or promotion and will preserve their existing pension rights on transfer.
- (5) They will be given adequate notice of any intention to terminate their employment in consequence of constitutional changes and Her Majesty's Government in the United Kingdom will endeavour to find them alternative employment should they so desire.
- (6) In the event of premature retirement resulting from constitutional changes they will receive compensation from the government of the territory concerned.

7. Her Majesty's Government in the United Kingdom accordingly make known their intention, if and when a territory attains self-government, to ensure the observance of these conditions by securing their embodiment in a formal agreement, to be entered into between Her Majesty's Government in the United Kingdom and the government of the territory. The agreement will also provide for the continuing payment of pensions already awarded to officers and their dependants.

8. In order that from now on all concerned may be clearly aware of their rights and obligations, a list will be compiled of all officers now in the Colonial Service to whom Her Majesty's Government in the United Kingdom regard the arrangements outlined in the last two paragraphs as applying. The officers included in this list will be given a new corporate title and will be known as Her Majesty's Oversea Civil Service. Regulations constituting this Service and defining the conditions of eligibility for admission to it, are appended to this statement.

9. When the new Service is in being, the question whether any particular vacancy, in the filling of which the co-operation of Her Majesty's Government is invited, should be filled by a Member of Her Majesty's Oversea Civil Service or on the basis of appointment to a purely local service, will be a matter for arrangement between Her Majesty's Government in the United Kingdom and the territorial government concerned. Any offer of appointment made by or on behalf of the Secretary of State will include

a clear statement whether it carries with it Membership of Her Majesty's Oversea Civil Service or whether the officer's contractual relationship will be solely with the territorial government. Officers in either category will, of course, be expected to regard themselves as being in all respects responsible to the territorial governments under which they are serving.

10. Her Majesty's Government hope that this evidence of their real concern for the present officers of the Colonial Service and of their determination to safeguard the interests of those officers will allay the doubts and anxieties which are now apparent in some quarters.

11. Her Majesty's Government also hope that the establishment of this new form of Service will ensure that qualified men and women may be attracted to come forward in future as in the past, in a spirit of confidence, enthusiasm and partnership, to help the overseas governments and peoples along the path of social, economic and political progress.

12. Her Majesty's Government recognise that there are certain other categories of overseas pensionable officers who have been appointed to the service of territorial governments otherwise than by selection by the Secretary of State. These officers may be assured that their interests will not be overlooked when the agreements referred to in paragraph 7 are being negotiated.

13. Her Majesty's Government are aware that various proposals have been put forward for constituting a Commonwealth Service or an Oversea Service directly employed by Her Majesty's Government in the United Kingdom. The decisions embodied in the present statement are not intended to exclude development along some such lines should this be found to be desirable and practicable. But this is a question which needs and will receive very careful examination in the light of changing conditions. It involves complicated administrative and constitutional, as well as financial, problems, and Her Majesty's Government feel that they are not yet ready to reach any conclusions upon them.

APPENDIX

HER MAJESTY'S OVERSEA CIVIL SERVICE

Special Regulations by the Secretary of State for the Colonies

1. From the 1st October, 1954, there shall be constituted a Service to be known as Her Majesty's Oversea Civil Service and consisting of:

(1) Persons who

- (a) have been appointed by the Secretary of State as members of the Services listed in the schedule to these Regulations; and
- (b) have not ceased to be members of such Service; and
- (c) shall within six months of that date have signified their desire to be enrolled as Members of Her Majesty's Oversea Civil Service.

(2) Other Serving Officers of the Colonial Service who

- (a) are on probation or have been confirmed in pensionable offices; and
- (b) were selected for appointment by the Secretary of State; and
- (c) shall within six months of the date aforesaid have signified their desire to be enrolled as Members of Her Majesty's Oversea Civil Service; and
- (d) are recommended for enrolment by the Governor of the territory in which they are serving, and are accepted by the Secretary of State.

(3) Persons not already in the Colonial Service who are hereafter offered by the Secretary of State and who accept Membership of Her Majesty's Oversea Civil Service on appointment to a post in a Colonial territory.

2. Appointments to Membership of Her Majesty's Oversea Civil Service shall be held during Her Majesty's pleasure as signified through the Secretary of State. The decision of the Secretary of State as to whether any person is a Member or shall be appointed to be a Member of Her Majesty's Oversea Civil Service shall be final.

3. Members of the Service who occupy any public office shall be known as serving Members and will receive the pay and other terms of employment (including superannuation) attached to the offices which they hold under the governments or authorities by whom they are employed, in accordance with the laws or regulations of those governments or authorities. Membership of Her Majesty's Oversea Civil Service will not of itself carry any remuneration or emolument.

4. Serving Members of Her Majesty's Oversea Civil Service shall be subject to the Colonial Regulations (Part I—Public Officers) in force for the time being, if and in so far as these apply in themselves, or are applied in principle by local regulations, in the territory in which the Member is employed.

5. A serving Member of Her Majesty's Oversea Civil Service, while having no claim to employment otherwise than in the office which he has been offered and has accepted, shall be eligible for consideration by the Secretary of State for employment in any post which he may be requested or authorised to fill, and may also be considered, as opportunity offers, for posts in Commonwealth or foreign territories for which Her Majesty's Government in the

United Kingdom may be invited to recommend candidates. No Member of Her Majesty's Oversea Civil Service shall forfeit his eligibility for such consideration by reason of his accepting a public office in a territory to which Colonial Regulations do not apply, or by reason of the Colonial Regulations ceasing to apply in the territory where he is for the time being serving.

6. A Member of Her Majesty's Oversea Civil Service who ceases to hold any public office may, if he so desires and if the Secretary of State sees fit, be considered for further employment as if he were a Serving Member.

7. Her Majesty's Government in the United Kingdom reserve the right to vary, revoke or add to these regulations ; provided that this right shall not be exercised to the disadvantage of any person who is at the time a Member of Her Majesty's Oversea Civil Service.

8. The Special Regulations made by the Secretary of State from time to time for the Services listed in the Schedule will be cancelled with effect from the 1st October, 1954.

SCHEDULE

Colonial Administrative Service.
Colonial Agricultural Service.
Colonial Audit Service.
Colonial Chemical Service.
Colonial Civil Aviation Service.
Colonial Customs Service.
Colonial Education Service.
Colonial Engineering Service.
Colonial Forest Service.
Colonial Geological Survey Service.
Colonial Legal Service.
Colonial Medical Service.
Colonial Mines Service.
Colonial Police Service.
Colonial Postal Service.
Colonial Prisons Service.
Colonial Research Service.
Colonial Survey Service.
Colonial Veterinary Service.
Queen Elizabeth's Colonial Nursing Service.

